

Notice of Allowability

Application No.

10/725,634

Examiner

Daniel Zirker

Applicant(s)

CALLINAN ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to brief dated January 8, 2007.
2. ☒ The allowed claim(s) is/are 1,3-29 and 31-51.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Philip F. Fox on July 11, 2007.

IN THE CLAIMS

1. (Amended) An adhesive composition, the adhesive composition comprising:
a plurality of cationic microspheres, wherein the cationic microspheres have a cationic charge that is permanently and individually bound to each cationic microsphere; and a fluidizing medium effective for supporting fluid application of the adhesive composition to a surface.

Cancel claim 2.

29. (Amended) A method of making an adhesive composition, the method comprising:

causing a plurality of cationic microspheres, wherein the cationic microspheres have a cationic charge that is permanently and individually bound to each cationic microsphere, to exist in a fluidizing medium to yield the adhesive composition, the fluidizing medium effective for supporting fluid application of the adhesive composition to a surface.

Cancel claim 30.

2. The following is an examiner's statement of reasons for allowance: After careful review of appellants' Appeal Brief dated January 8, 2007 together with the subsequent incorporation of dependent claims 2 and 30 as set forth above into their respective composition and method of making the composition claims 1 and 29, the Examiner has withdrawn the grounds of rejection of record in view of the following points which were primarily set forth in the Brief. More particularly, with respect to the Howard reference and the rejections based upon its disclosure it is noted that although the reference employs the language (Col 1, line 46) "cationic microspheres" and talks about "cationically (positively) charged" microspheres (Col 1, lines 40-41) it is clear that Howard is not actually producing microspheres that incorporate a structural cationic charge. Instead, it is the combination of the microspheres of the Howard patent, while in the glue composition, which are surrounded by the cationic surfactant so that the combination of the microspheres and the surrounding surfactant which have a net cationic charge. The cationic microspheres of the present invention, particularly as now amended by the incorporation of claims 2 and 29 into their respective independent composition and method of making the composition claims 1 and 30, however, are a reaction product of certain polymerizable substances, whereas those taught in Howard bear a positive charge because the Howard microspheres are surrounded by a cationic surfactant. In essence Howard discloses a combination of non-ionic microspheres and cationic surfactant.

With respect to the Crandall et al reference it fails to disclose any teaching or example of a cationic unsaturated vinyl comonomer. All the reference teaches or suggests is that the vinyl unsaturated additive is not polymerized and does not form part of the microsphere. Even if the Crandall et al microspheres were improperly substituted for those of Howard's the resulting combination would still fail to include a cationically charged chemical component as a structural portion of the microspheres.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on 5-4-8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Zirker
Primary Examiner
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